

REMARKS

The Office examined claims 1-23, objected to claims 5-6, 8-9, 14, 16-17, 21 & 23, and rejected claims 1-23. This paper amends the claims in respect to the objections and in respect to the rejections under 35 USC section 112, second paragraph.

Claims 2, 5, 8 & 11 are cancelled. Claims 1, 3-4, 6-7, 9-10 & 12-23 remain in the application.

Claim Objections

At paragraph 3 of the Office Action, claims 1 & 9 are objected to due to their non-descriptive preambles. Applicant respectfully submits there is no requirement that a claim's preamble establish the environment or objective of the claimed invention.

At paragraph 4 of the Office Action, claims 5, 6, 8, 9, 14, 16, 17, 21, and 23 are objected to for improper recitation of indefinite articles. The claims have been amended so as to correct the deficiency.

Claim Rejections 35 USC Sec. 101

At paragraph 10 of the Office Action, claims 1-3, 18 & 19 are rejected under 35 USC Sec. 101 for being directed to non-statutory subject matter. The Office states "[Claim 1] overlaps two different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only." Applicant directs the office to consider MPEP 2106, Part IV, subsection B, which reads as follows:

[A] claimed invention may be a combination of devices that appear to be directed to a machine and one or more steps of the functions performed by the machine. Such

instances of mixed attributes, although potentially confusing as to which category of patentable subject matter the claim belongs, does not affect the analysis to be performed by USPTO personnel.

Although applicant maintains that Claim 1 is clearly directed to a "process," even if the Office's assertion is taken to be true, there is no requirement that a method claim cannot refer to mechanical elements. Applicant further contends would be obvious to one of ordinary skill in the art that the steps are directed to the actions performed by each device component in the course of accomplishing the claimed method. Applicant respectfully submits there is, therefore, no 35 USC 101 deficiency.

At paragraph 9 of the Office Action claims 18-19 are rejected as being directed to functionally descriptive material not embodied on a computer system or computer readable storage medium. Applicant submits that it would be obvious to one of ordinary skill in the art that the claims are directed to elements of an electronic device, elements that can be implemented as instructions executable by a processor and stored on a processor-readable storage structure, or as application-specific integrated circuits. It is therefore requested that all rejections under 35 USC Sec. 101 be withdrawn.

Claim Rejections 35 USC Sec. 112

At paragraph 11 of the Office Action, claims 1-3, 6, 9-12 & 17 are rejected under 35 USC Sec. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The office states that "[i]t is unclear how a method can comprise limitations that are not steps, but system components." As noted above the subject method claims recite

acts performed by elements of a communication system and perform the steps. This is not the same as reciting system components. It is a recitation of named actors performing an individual act, which act is an element of the claimed method.

At paragraph 14 of the Office Action, claims 6, 9 & 17 are rejected as having insufficient antecedent basis for each limitation in these claims or their parent claims. The claims are amended in a manner we believe to be sufficient to overcome the grounds for rejection.

At paragraphs 15-17 of the Office Action, claims 10, 11 & 12 are rejected as being insufficiently clear as to whether the claims are independent system claims or dependent claims further limiting their parent claims. Applicant submits that the claims are in dependent form and incorporate all of the limitations of their parent claims. See 37 CFR 1.75 (c), which provides "[o]ne or more claims may be presented in dependent form, referring back to and further limiting another claim or claims in the same application." Thus the claims are dependent. Further, the claims are properly dependent. Per the MPEP at 608.01(n), "The test as to whether a claim is a proper dependent claim is that it shall include every limitation of the claim from which it depends (35 U.S.C. 112, fourth paragraph) or in other words that it shall not conceivably be infringed by anything which would not also infringe the basic claim." Because each of the claims in question comprises a plurality of authentication servers, incorporated by reference from previous claims, it is inconceivable that any of these claims could be infringed independently of their parent claims. This ground of rejection must therefore be withdrawn.

Claim Rejections 35 USC §102

At paragraph 21 of the Office Action, claims 1-2, 4-5, 7-8, 10-13, 15-16, 20 & 22 are rejected under 35 USC 102(b) as being anticipated by US Pat. 5,544,322 (hereinafter Cheng).

At paragraph 31 of the Office Action, claims 18 & 19 are rejected under 35 USC 102(b) as being anticipated by US Pat. No. 6,662,228 (hereinafter Limsico).

As to claims 2 (cancelled, limitations incorporated into claim 1 by amendment), 5 (cancelled, limitations incorporated into claim 4 by amendment), 8 (cancelled, limitations incorporated into claim 7 by amendment, also implicating claim 9 by virtue of dependency) & 16, the Office asserts that Cheng discloses "an authentication network element receiving a request for reauthentication transmitted by the terminal using the reauthentication identity including the unique realm name." The office relies upon Cheng, col. 4, ll. 43-47. That passage reads as follows: "Still referring to FIG. 1, it may be seen that distributed data processing system may also include mainframe computers, such as mainframe computer, which may be preferably coupled to Local Area Network (LAN) by means of communications link." Neither the cited passage, nor any other portion of the Cheng patent teaches requests for reauthentication.

Cheng discloses principals associated with different realms exchanging credentials following initial authentication (see Fig. 1, Exhibit A) but does not disclose *reauthentication* of those credentials (see Fig. 2, Exhibit A). **Reauthentication is not the same as authentication; reauthentication is a discrete action, a subsequent step, that follows full authentication.**

Exhibit A, attached, provides a schematic representation of the operation of the Cheng system as well as an embodiment of

the claimed invention. As Fig. 1, Exhibit A, illustrates, only one authentication takes place within the Cheng system. Once the principal is authenticated, it then is free to request routing data from the authentication routing server, and then use the certificate granted by the authentication server to access services hosted by principles associated with different realms.

The claimed invention depicted in Fig. 2, Exhibit A, however, distinguishably allows for any number of reauthentications following the initial, full authentication.

As to claims 4 & 15, the claims are amended so as to include means for reauthenticating previously authenticated terminals, means not recited by Cheng.

As to claims 13 & 22, the Office relies upon Cheng, col. 5, 43-46 for the assertion that the reference teaches "means for requesting reauthentication of a communication session between the terminal a content server." At paragraph 25 of the Office Action, the Office states that "client reads on terminal and application server reads on content server." Even if that were true, Cheng does not teach requesting reauthentication. The claims are therefore not anticipated by Cheng.

As to claims 10 & 11, at paragraphs 29-30 of the Office Action, the Office asserts that Cheng discloses "occasional reauthentication." As is discussed above, Cheng does not teach reauthentication--occasional or otherwise. The claims are therefore not anticipated by Cheng.

At paragraph 32 of the Office Action, the Office rejects claims 18-19 as being anticipated by Limsico. The Office relies upon Limsico, col. 6, ll. 12-27. That passage reads as follows:

"In an alternative embodiment, when a login attempt is made from the administrator's workstation to the server of the remotely

administered network, the administrator's user identification is checked for a particular substring of characters as indicator that the administrator is a remotely authenticated user not expected to be found in the local authorization and authentication database. If this substring, specifically the characters 'RA_' at the beginning of the administrator's user identification, is present, no attempt is made to authenticate this login attempt on the local authentication server, the authentication request is passed directly through the HTTPS protocol handlers for encryption and over the potentially insecure channel to the second authentication server. It is anticipated that other strings of characters may be used as an indicator of remote authorization and authentication."

Limsico does not disclose a network element comprising means for determining from a reauthentication identity included in a request for reauthentication transmitted by a terminal a unique realm name included in the request and uniquely indicating an authentication server. Limsico instead discloses a device that examines an authentication request for a string of characters, and then routes the request to a remote server if that string is present. This is not the same as in claims 18 and 19. As was previously discussed with respect to Cheng, reauthentication does not read upon authentication. Reauthentication is a discrete step that follows full authentication. Limsico does not disclose reauthentication, requests for reauthentication, or routing of requests for reauthentication. Limsico cannot, therefore, fairly be said to disclose "a network element comprising means for determining from a reauthentication identity included in a request for reauthentication."

Accordingly, applicant respectfully requests that all 35 USC §102 rejections be reconsidered and withdrawn.

Claim Rejections 35 USC §103

At paragraph 35 of the Office Action, claims 3, 6, 9, 12 and 17 are rejected under 35 USC 103(a) as being unpatentable over Cheng in view of Limsico.

As to claim 3, neither Cheng nor Limsico disclose "a step in which the terminal and the first authentication server perform reauthentication," as discussed above (explaining that authentication is not the same as reauthentication). As to claim 6, neither Cheng nor Limsico disclose "means for performing reauthentication of the terminal." As to claim 9 neither Cheng nor Limsico disclose "instructions for receiving a request by a terminal for reauthentication," as argued above. As to claim 17, neither Cheng nor Limsico disclose "perform reauthentication of the terminal," as similarly argued above.

Accordingly, applicant respectfully requests that all 35 USC §103 rejections be reconsidered and withdrawn.

CONCLUSION

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited.

26 Sep. 2007

Date

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